

**CALENDAR ITEM  
C20**

A 8, 15

04/06/11  
PRC 8800.1  
PRC 8819.1

S 2, 5

M. Hays

**CONSIDER ACCEPTANCE OF A QUITCLAIM DEED  
AND TERMINATION OF GENERAL LEASE - RECREATIONAL USE**

**LESSEES:**

Richard L. Comstock and Marilyn M. Comstock, Trustees of the Comstock Trust  
created November 13, 2001

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in Georgiana Slough, adjacent to Assessor Parcel Numbers  
(APN) 156-0220-001 and 156-0220-002, near the city of Isleton, Sacramento  
County.

**AUTHORIZED USE:**

PRC 8800.1: Construction, use, and maintenance of an uncovered single-berth  
floating boat dock, six pilings, gangway, and a utility conduit as  
shown on Exhibit A.

PRC 8819.1: Construction, use, and maintenance of an uncovered single-berth  
floating boat dock, six pilings, gangway, and a utility conduit as  
shown on Exhibit B.

**LEASE TERM:**

PRC 8800.1: 10 years, beginning October 16, 2008.

PRC 8819.1: 10 years, beginning April 9, 2009.

**CONSIDERATION:**

PRC 8800.1: \$2,749 per year; with the State reserving the right to fix a different  
rent periodically during the lease term, as provided in the lease.

PRC 8819.1: \$2,749 per year; with the State reserving the right to fix a different  
rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance with combined coverage of no less than \$1,000,000.

CALENDAR ITEM NO. **C20** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Lessees own the uplands adjoining the lease premises.
2. On October 16, 2008, the Commission authorized a 10-year General Lease - Recreational Use No. PRC 8800.1 to the Lessees for the construction of a boat docking facility adjacent to the Lessees upland vacant parcel identified as APN 150-0220-001. That lease will expire on October 15, 2018.
3. On April 9, 2009, the Commission authorized a 10-year General Lease - Recreational Use No. PRC 8819.1 to the Lessees for the construction of a boat docking facility adjacent to the Lessees upland vacant parcel identified as APN 150-0220-002. That lease will expire on April 8, 2019.
4. On March 21, 2011, the Lessees contacted Commission staff and requested to terminate the leases and quitclaim any interest back to the Commission. The Lessee does not intend to go forward with constructing the docks at this time because they have been unable to secure a permit from the Central Valley Flood Protection Board (CVFPB). In the CVFPB's consultation with the U.S. Army Corps of Engineers' Flood Protection and Navigation Section (Corps), the Corps recommended denial of the permit in May 2010. The Corps believes the piles compromise levee integrity and increase seepage through the embankment and the gangways prohibit access for flood fighting.
5. The Lessees' ultimate plan was to market and sell their two vacant upland buildable sites and to make the sites more marketable by installing docks in the adjacent Georgiana Slough. The Lessees are currently working to redesign the docks and plan to continue their efforts; however, due to the cost of maintaining the leases and the downturn in the real estate market, they believe it is not economically viable to continue with the leases and payment of annual rent. If the necessary permits can be secured and the economy improves in the future, the Lessees plan to re-apply to the Commission for new leases.
6. Staff is recommending acceptance of the quitclaim deeds executed by the Lessees, termination of the Lease No. PRC 8800.1 and PRC 8819.1, and refund rent for Lease No. PRC 8800.1 from April 6, 2011 to October 15, 2011 in the amount of \$1,466.13.

CALENDAR ITEM NO. **C20** (CONT'D)

7. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined this activity is not subject to the provisions of CEQA because it is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

**EXHIBITS:**

- A. PRC 8800.1, Site and Location Map
- B. PRC 8819.1, Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is not subject to the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15060(c)(3) because the activity is not a project as defined by Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

**AUTHORIZATION:**

1. Authorize acceptance of a Lease Quitclaim Deed and termination of a General Lease – Recreational Use, No. PRC 8800.1 authorized on October 16, 2008, effective April 6, 2011.
2. Authorize refund of rent for Lease No. PRC 8800.1 for the period April 6, 2011 to October 15, 2011 in the amount of \$1,466.13.
3. Authorize acceptance of a Lease Quitclaim Deed and termination of a General Lease – Recreational Use, No. PRC 8819.1 authorized on April 9, 2009, effective April 6, 2011.